

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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LOWRITA RICKENBACKER,

Plaintiff,
-against-

NOTICE OF MOTION
CV-05-5941(ADS)(ETB)

UNITED STATES OF AMERICA,

Defendants.

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PLEASE TAKE NOTICE, that upon the Complaint dated December 20, 2005, the annexed Declaration of Diane Leonardo Beckmann, dated December 18, 2006, the exhibits thereto and the Defendant's Memorandum of Law, and upon all the proceedings had herein, the undersigned will move this Court on a date to be determined by the Court, before the Honorable Arthur D. Spatt at the United States Courthouse, located at 100 Federal Plaza, Central Islip, New York 11722 for an Order pursuant to Rule 12(c) or, in the alternative, Rule 12(h)(3) of the Federal Rules of Civil Procedure granting the Defendant's motion to dismiss the Complaint for lack of subject matter jurisdiction and for such other relief as the Court may deem just and

proper.

PLEASE TAKE NOTICE that the plaintiff's opposition should be served on or before **January 12, 2006** and the Defendants will serve their reply on or before **January 19, 2006**.

Dated: Central Islip, New York
December 18, 2006

Respectfully submitted,
ROSLYNN R. MAUSKOPF
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Attorney for the Defendants
Eastern District of New York
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/s/Diane Leonardo Beckmann
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Plaintiff
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